

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ALCOA, INC.

Plaintiff,

v.

C.A. No. 06-383-SLR

ALCAN, INC., a Canadian corporation, ALCAN CORP.,
a Texas corporation, ALCAN CORP., a Delaware
corporation, PECHINEY, S.A., a French corporation,
ALCAN RHENALU, a French corporation, ALCAN
PECHINEY CORP., a Texas corporation, PECHINEY
METALS, LLC, a Delaware limited liability company,
ALCAN ROLLED PRODUCTS-RAVENSWOOD, LLC,
a Delaware limited liability company

Defendants.

**EXHIBIT 14 TO APPENDIX TO DEFENDANTS' MEMORANDUM OF LAW
IN SUPPORT OF THEIR MOTION TO DISMISS**

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Date: August 16, 2006

Exhibit 14

47-75) Recrystallization, or the absence thereof, is not a featured element of the invention.

2. Plaintiff has requested documents relating to alloys mentioned in the '394 patent. The '394 patent is directed to a method of producing unrecrystallized thin gauge aluminum products by heat treating and further working. Of the alloys mentioned in the '394 patent, only the AA2000 alloys are copper based. The phrase "damage tolerant" is nowhere mentioned in the '394 patent.

3. It is not apparent to the court that the '394 and '692 patents are related, except to the extent that both deal with aluminum alloys and (not surprisingly) with heating processes for the production of aluminum products having various properties.

4. Therefore, plaintiff's request for documents relating to the alloys mentioned in the '394 patent is denied on the record presented.

5. The court understands that defendant has produced or has offered to produce the prior art document referred to in the European Patent Office's preliminary opinion, as well as those alloys described in its September 1, 1999 letter at pages 2-3.

6. **Cut-off Date for 2524 Alloy Documents.** Plaintiff's request for documents relating to technical developments of the 2524 alloy after the CIP application date is denied as irrelevant, on the record presented. Plaintiff may approach the court for reconsideration of this request if defendant relies on its commercial embodiment to demonstrate either enablement or commercial success.

7. **Testing Documents.** On page 3 of its September 1, 1999 letter, defendant states that it will produce documents regarding the composition, properties, testing, and process of production of the 2XXX alloys on plaintiff's revised list. To the extent plaintiff's request is broader, and consistent with the court's holding above, plaintiff's request is denied on the record presented.

IT IS FURTHER ORDERED that defendant shall produce the documents identified above on or before October 8, 1999, in a manner related to plaintiff's document requests.


United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of August, 2006, the attached **EXHIBIT 14 TO APPENDIX TO DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION TO DISMISS** was served upon the below-named counsel of record at the address and in the manner indicated:

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/s/ Tiffany Geyer Lydon

Tiffany Geyer Lydon